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Bioethics Symposium:

Should Animal Welfare Be Law or Market Driven?

Presented at the
Joint Annual Meeting
of the
American Society of Animal Science
American Dairy Science Association
Poultry Science Association
Asociación Mexicana de Producción Animal,
and
Canadian Society of Animal Science
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Preface

Diane L. Van Hekken
USDA, ARS, NAA

The Bioethics Symposium, entitled "Should animal welfare be law or market driven?" was held at the joint annual meeting of the American Dairy Science Association, American Society of Animal Science, Poultry Science Association, Asociación Mexicana de Producción Animal, and Canadian Society of Animal Science, in Denver, Colorado, USA, July 11-15, 2010. This symposium was organized as a joint effort of the ASAS-ADSA Bioethics committee and the Agricultural Bioethics Multi-State Research Committee, NCCC209.

Bioethics covers a variety of concerns that impacts consumers, producers, and processors. Bioethics in animal production forms the basis on which animal welfare concerns should be evaluated, communicated, and implemented. Unfortunately, left to the discretion of the individual, company, or industry, many issues may be ignored or by-passed based on economic factors, resource availability, understanding, or other priorities. In other cases, non-government organizations and others in the public sector drive issues and policies that are unrealistic or harmful to our agricultural infrastructure and perhaps an animal's welfare in the long run. This brings into focus the question of how the animal industry should select and enforce the humane treatment of animals. This symposium was organized to examine how bioethical and animal welfare issues are defined and championed, and discuss the pros and cons of the question "should animal welfare be law or market driven?"

Croney's presentation starts the discussion by introducing background on the increasing concern and attention given to animal welfare. She covers societal as well as industry issues and asks the question of how should conflicting values and priorities be addressed.

Swanson takes the question further by identifying the drivers behind animal welfare issues and exploring the legal aspects of bioethical issues. She discusses the pros and cons of both legal and self-regulating controls and the critical steps needed to ensure compliance. She also explores the effectiveness of some current animal welfare legislation and what is needed to make it work.

Rollin's presentation takes a strong stand for legislative animal welfare. He discusses the many faceted moral aspects requiring animal protection laws. There is a strong demand for proper treatment of animals from society, yet industries and researchers do not always follow through in the humane treatment of animals. He relates many instances where the need for humane treatment of animals was recognized but not followed or enforced. He warns that to avoid non-informed idealists from creating policy, the people who understand agriculture must take action.

Gies, as the Executive Director of the Animal Assistance Foundation, discusses the impact of the recent horse slaughter ban on the welfare of the horse. He discusses the past and current role of the horse in American culture and what led to the recent legislative actions. Backed by data collected from Colorado, he discusses the impact of the ban on horse welfare and poses possible solutions.

Golab's presentation addresses the veterinarians' perspective on pain management. She begins by defining pain, its management, and euthanasia, and provides examples of applications across a range of species and animal uses based on the American Veterinary Medical Association's (AVMA) guidelines. She then discusses whether these recommended practices need to be mandated (i.e., regulated) to ensure consistent application or whether/where other approaches are possible or perhaps preferable. She concludes with the official AVMA policies on pain management and euthanasia.

Norwood's presentation takes an economist's angle in examining the impact of animal welfare issues on consumer choices. He discusses the different views consumers may have of animal welfare either as a commodity or as an ethical issue, and the debate of public good in developing animal welfare guidance. He focuses on egg and pork production to explain how consumer-purchasing choices reveals their true, and often conflicting, perceptions and priorities in animal welfare issues.

The symposium presents many complex bioethical issues that are involved in animal research and production, and examines the potential outcomes if issues are not addressed by decision makers, society, and persons involved in research or production. Ultimately, everyone must be actively aware of bioethical concerns involved in their work and the food animal system.

Bioethics symposium introduction: Should animal welfare be law or market driven?

C. C. Croney
The Ohio State University

In recent years, concern about the welfare of food producing animals has provided the impetus for greater regulation of U.S. animal production practices and policies. Annual polls conducted within the United States indicate strong and consistent public support for such regulation. Intensive confinement of animals, relief of animal pain, humane handling of animals and timely and appropriate euthanasia remain high on the list of concerns articulated by consumers, animal activists, scientists and other key stakeholders. Consequently, the rate of passage of state legislation of farm animal production has escalated. Concurrently, most food retailers have adopted some form of animal welfare assurance scheme and audit program to meet consumer expectations relative to animal welfare. Despite these efforts, frequent undercover exposés depicting treatment of farm animals that is socially unacceptable or questionable, and occasionally, clearly abusive suggest some need for greater regulation. However, hastily regulating farm animal welfare may have unforeseen consequences, including negative implications for animal producers, food prices, concerned citizens and the animals themselves. These aspects related to welfare should also be considered seriously, too. All of this suggests the need for thoughtful debate about whether, and the extent to which, protection of farm animal welfare in the U.S. should be legislated, voluntarily regulated by the animal industries or driven simply by market demands.

Should we legislate farm animal welfare?

Janice Swanson
Michigan State University

In the last five years, successful state citizen initiatives and legislation have created a patchwork of farm animal welfare regulation across the United States. Consequently, some states have responded with defensive measures such as creating state livestock care boards or advisory councils charged with promulgating standards for the care of livestock and poultry within the state. Although recent citizen initiatives and state bills begin with similar themes, during the legislative process deals are struck and the enacted laws often differ. Implementation periods, minimum space requirements, and noncompliance penalties are negotiated areas that create subtle yet important differences. Similar issues could erupt between state livestock care boards. As more states opt to regulate, it will eventually force a discussion about the federal regulation of farm animal care. This presentation will explore whether farm animal welfare ought to be legislated.

The Horse Slaughter Ban: What is the Impact on Horse Welfare?

David L. Gies
Animal Assistance Foundation

Thank you for the opportunity to speak today. I would like to begin by recognizing Louise Harrison, an original funder of Velma Johnson or Wild Horse Annie as she was known in the 1970's. Louise supported Velma whose efforts led to the 1972 passage of America's Wild Mustang and Burro Act. Louise Harrison is the benefactor to the Animal Assistance Foundation, the place where I work and get to care for animals from the perspective of a philanthropist—actually, a philanthropoid. Adolph Coors was Louise's grandfather, the Colorado pioneer of wealth generation leading to this philanthropy. So for all of us who care for the animals it is only proper to salute the benefactor with a toast of the finest banquet beer. Cheers and here is to the animals.

What I will present today is a synopsis of the cultural war taking place in the United States over farm animals, equine in particular. I will give an historical overview, discuss the status of legislative initiatives, present what we know in Colorado, describe the specific impact on horse welfare we can identify now, and review possible near-term solutions.

Most families now are two to three generation removed from rural life. Indeed, few Americans are raised with a common animal experience. Two percent of the US labor force feeds 309 million of us. That is to say, a labor force of 6.2 million agricultural workers feed the rest of us. More Americans live in cities than in agriculture communities. In 2050, it is projected that the global population will reach 9 billion people. Feeding this many people will require effective production practices implemented in humane ways.

The problem is, as a society, we lack a single worldview; we are inconsistent in what we value and how we live. Consider the BP, Gulf of Mexico spill in the news recently. This spill and the consequence for shutting down other gulf oil production has the potential for reducing our available oil supply by 10%. Many of us in this room recall the 1973 Arab oil embargo that reduced supply by 7%. That had us waiting in long lines to buy gas to fuel our cars. America imports 64% of its petroleum. Are we prepared for a shortage of this magnitude? My point is, and I will go on about this, our culture is one that wants a pristine environment where oil rigs are out-of-sight and out-of-mind, and at the same time, we want to drive our cars and power our lives with no constraint. We want it both ways.

Our attitude for "saving-it-all" and "wanting-it-all" often conflicts with the reality of how we live. This tug and pull for a "Walt Disney World" is played out through emotional messages by mediating structures and institutions that organize public opinion. The urbanite mental image about where food comes from is the "Old McDonald had a farm" vision of a red barn and bucolic pastures of roaming cattle. It is where the consequence of loss of country life presents itself in sharp reveal. For the environment we choose hidden oil rigs and long commutes. For animals it is having them in the center of our lives and at the same time, the center of our dinner plates.

Nonprofit organizations are the mediating structures that support our pluralist ideology. When fund-raising strategies target emotional appeals, such as we observe in the animal rights arena, numerous donations from people living in cities dominate and engine the message. It is this demographic that votes on humane issues bringing decisions to the forefront such as Proposition 2 in California. Agriculture has taken notice as Ohio's Issue 2 becomes law.

Cultural war zones about food animals and livestock are cropping up in other communities. This is the backdrop for the American icon, its realities and myths, the horse. The horse has special status to us. It is the taming of the West. We know it as a means of livelihood, pulling the plow or buggy giving way to the John Deere tractor and Henry Ford automobile. Is the horse "livestock" or a pet? What is a pet? Americans love their animals. There are 75 million owned

dogs and 88 million owned cats in the United States. The American pet industry estimated \$45.5 billion dollars would be spent on pet products in 2009 alone. I do not have the final number of dollars spent but obviously, this is a huge industry.

Turning to legislative initiatives, evidence of differing worldviews is evident when reviewing the legislative activity of the past several years. In 2005, a law was passed in Congress prohibiting the use of tax dollars to pay for USDA inspections of horsemeat. This is necessary if horsemeat is to be sold for export to other countries—the main economic driver for horse slaughter in the US. The law had the effect of closing the three slaughterhouses across the country until, in the following year, another law was enacted allowing slaughterhouses the option to pay for their own USDA inspections.

The state of Illinois followed with legislation banning horse slaughter for human consumption. Texas, in 2007, implemented a 1949 state law banning horse slaughter for human consumption. Interestingly, the Texas law was passed after World War II when horse meat was commonly served at the dinner table. Acceptance was wide spread due to beef shortages—beef was being sent to the European front and horse meat was all that was left. To protect the post-war beef industry the cattle lobby pushed and got passed a law forbidding slaughter of horse for meat.

In September of 2007, the US Court of Appeals declared Texas State law and Illinois State law, banning horse slaughter for human consumption, legal. Prior to the September ruling, the US District Court ruled that slaughter plants could not pay USDA inspectors to inspect their facilities. The removal of USDA inspectors permanently closed the three remaining plants in the United States.

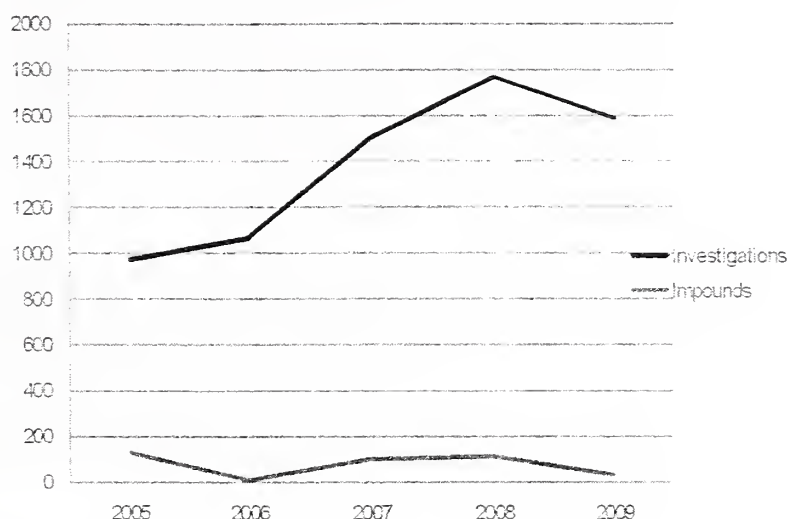
It is interesting to note that at this time there is no federal law prohibiting horse slaughter for human consumption—only regulatory rulemaking exists. Also, there is no federal law prohibiting export of horses for the purpose of slaughter for human consumption. Processing plants can open in any US state where there is no state legislation banning slaughter for human consumption. Wyoming is notable in its pursuit of opening a new plant.

Pending bills representing both worldviews are actively promoted. The Humane Society of the United States supports The American Horse Slaughter Prevention Act, now the Prevention of Equine Cruelty Act of 2009. A version of this bill was passed in 2006 by the US House but not voted on in the Senate before adjournment. It sought Federal law prohibiting horse slaughter for human consumption in the United States, prohibited export of 100,000 horses yearly, the approximate number sent abroad at the time, to equine markets. The Humane and Optimal Restoration and Sustainability of Equines (HORSE) Act promotes the view that horses are livestock and private property. This bill's principal advocate, the United Organization for the Horse (UOH), allows for the reopening of slaughterplants with tight regulations on the method of slaughter and introduces the notion for creating a horse owner database where original owners would register their horse and have the first right to buy the horse back, preventing its slaughter. Food and fiber resulting from slaughter would be used for pet and zoo food but not for human consumption.

Returning to the discussion of overall horse welfare we can look to studies in the state of Colorado to get a snapshot of demographics and disposition presumably representative of Western states. In 2008, in Colorado, there was an increase in total investigations for equine cruelty and neglect. Indeed, equine cruelty, indicated by the accompanying chart has steadily increased from around 1000 in 2005 to a high mark of 1790 in year 2008 returning to 1600 in year 2009. However, while there were more investigations, impoundments remained flat.

There are many reasons for this; 1) no place to put the animals if the state seized the horses, 2) the animals were determined not neglected, or 3) a general lack of resources within the state budget.

Horse Cruelty Investigations/Impounds



What we can say about horse rescues in Colorado is that these groups generally feel the impact of change first. The Colorado Unwanted Horse Alliance is beginning to collect data to measure the number of horses without a place to live. At this juncture, and in the face of lowering investigation numbers reported by the Colorado Bureau of Animal Protection, there is no definitive evidence that the number is increasing. There is anecdotal evidence that horses are being starved, dumped on public lands or county fairgrounds, or otherwise neglected or abandoned which is being evaluated. We have survey information pointing to an increase in rescue capacity since 2007 with a decline in the number of horses at rescues. There are also several high-profile media interested impoundments at failed rescues who took in too many horses.

The Colorado Unwanted Horse Alliance estimates that 6000 horses become unowned during 2009. One thousand six hundred slots exist in horse rescues with a 60% turnover rate each year. This suggests Colorado rescues have space for 1000 horses each year. One would think that if 6000 animals come into the rescue system and 1000 leave there is an emerging problem. We don't see it yet.

There is debate in our state about whether horse rescues are at maximum capacity. If rescues are at capacity, the situation should reveal itself to the public soon. Interestingly, when the state seizes animals there are few places to put them. The seizure results from a rescue or hoarder unable to feed the animals, bringing attention to their plight. If it is a large rescue, animals are moved to sometimes marginal locations further hiding true capacity.

Turning our attention to the impact of slaughter on horse welfare, a few factors emerge. First, there is heightened debate that slaughter is not euthanasia. Anti-slaughter advocates maintain euthanasia, if administered properly, does not traumatize the animal before death. People

experienced in slaughtering maintain it is no different from processing other animals while acknowledging a species dilemma (plants are designed for animals that are smaller than horses) often quoting experts in the field like Temple Grandin and others seeking better methods designed for equines. Second, there has been a real decline in horse prices. This economic impact is argued by slaughter opponents as proof that slaughter artificially propped up the horse industry. Others reject this with the proposition that removing the floor for what the value of a salvageable animal is worth disrupts the right to hold private property.

A third welfare issue is transportation of horses, which compounds suffering. Fourth, are reports of increased abandonment and neglect, as well as Native American and Bureau of Land Management (BLM) lands damaged by overgrazing. Finally, the BLM's Wild Mustang and Burro Program states adoptions of wild horses are down about 20% from 5000 in 2006. The agency has 36,000 wild horses on 29 million acres in 10 Western States. According to their estimates this is roughly 8000 more animals than the rangelands can sustain. The BLM is also holding 22,100 unadoptable horses in Midwestern ranches, a big reason the agency's wild horse costs are projected to increase 100% by 2014.

Because of the controversy over horse slaughter the Government Accountability Office (GAO) has been tasked with studying the impact for closing horse processing plants in the US. The study, originally scheduled for a mid-2010 distribution date, has been moved back to the end of the year. It will investigate the effects of the closure of slaughter plants from several vantage points:

1. Have plant closings influenced the number of horses sold, exported, adopted, or abandoned;
2. The effect of plant closings on farm income and trade;
3. The extent to which horses are slaughtered in the US for any purpose;
4. The slaughter ban's impact on state and local governments and animal protection organizations;
5. How the USDA oversees the transport of horses for slaughter in Mexico and Canada;
6. How the US Departments of Agriculture and Interior work with state governments to identify, hold, and transport unwanted horses for foreign transport.

Let me now turn to six possible solutions to the horse welfare problem and other factors to consider. A ban on horse export for slaughter would definitely end consumption of America's horses by other countries but it would have a negative effect as well. Unintended consequences would evolve. USDA only regulates transportation of horses for slaughter. A dubious individual or cunning entrepreneur could claim the horses are being transported for pleasure thereby getting around USDA jurisdiction. The horse industry would be required to absorb 100,000 horses. This might mean people who have no idea what they are getting into would adopt or purchase a horse only to learn they made a long-term, work intensive, commitment. And the reality is, as long as there are horses for free and there is demand for horse meat, horses will be slaughtered. A black market would emerge.

Another solution might be to open large-scale horse sanctuaries. This would be popular and the public would easily buy into it. However there would be a need to increase capacity and it would probably be impossible to house all horses of this status. There is also the question of sustainability. This was a major issue for Madeleine Pickens when she graciously considered purchasing a million acres of BLM land and committing to sanctuary the wild horse population. The offer did not materialize in part because of the difficulty involved in managing that large an operation and paying for it.

Nonprofit organizations could establish new equine centers using the model for adopting surplus dogs and cats. This would require suitable property, developing definitions categorizing adoption and disposition and a means to dispose of animals not adopted if a suitable home is not found.

There could be a reopening of slaughter plants where transport and slaughter would be rigorously regulated, a national "no slaughter registry" established giving the original owner the option to reclaim and certified standard procedures for plant operations.

Promote humane euthanasia and carcass disposal and make it more affordable. A recent Colorado study found that 69% of veterinarians are not willing to euthanize for convenience. Some veterinarians feel they lack appropriate training on euthanasia.

A final solution could be to create a gelding program and regulate breeding. This would require legislation to regulate and would be unpopular, potentially mobilizing opposition.

Regardless of the solution there is in our country, a fierce debate focused on horse ownership and welfare. Most proponents of anti-slaughter are not proponents of a ban on all livestock slaughter for human consumption. Horses in people's minds are different. In theory, horse welfare should not have changed because horses can still be sold for slaughter. What has changed is where the horses are slaughtered – they go to Mexico or Canada and are transported over long distances. Indeed, when it is all said and done, if a ban on sale or transportation of horses to Mexico or Canada is successful, that is when the effects of removing the option to sell for slaughter will be apparent to everyone who cares for horses.

Should animal welfare be law or market based?

Bernard Rollin
Colorado State University

I would like to begin with a small apologia. I will argue that farm animal welfare should, indeed, must, be legislated rather than left to the market to decide. In terms of my personal political predilections, I lean towards non-proliferation of laws, and deplore the erosion of personal freedom. For example, as a 250,000-mile motorcyclist, I have argued in an article entitled, "It's my damn head", against mandatory helmet laws if a rider has adequate insurance. On the other hand, I have authored significant new laws providing some degree of protection for previously totally unprotected laboratory animals as a moral and, it turns out, pragmatic presupposition for animal research. Am I inconsistent or can the apparent tension be resolved?

A simple argument for legislating farm animal welfare is the demonstrated fact that society demands it. A 2003 Gallup survey showed that 75% of the public feels that proper treatment of farm animals should be legally mandated. Even stronger evidence is provided by the referenda and state laws eliminating severe confinement systems that have spread across the U.S. In addition, Europe has legislatively severely curtailed high confinement, and Europe is not Mars.

The demand for farm animal protection is a moral demand. To many, it does not arise from self-interest. On the contrary, the demand has grown despite claims that prices for animal products could rise in the face of reform. In a nutshell, while the vast majority of the public wants animal products, people also wish reassurance that the animals we consume live decent lives. The industry has radically underestimated the degree to which the notion of good animal husbandry has historically seized the public mind. The 23rd Psalm, which uses the Good Shepherd as the model for God's ideal treatment of humans, has been an icon for western civilization for thousands of years. With the rise of industrial technology, the ancient contract, the mutually beneficial symbiosis between humans and farm animals became much more exploitative, as such technologies as antibiotics, vaccines, and handling systems allowed us to produce animals without assuring that their natures were respected. As recently as the 1990s, ordinary people believed farms were small, pastoral, symbiotic units, operating via husbandry. As social consciousness has been elevated, people wish to see a return to the fairness implicit in the ancient contract, and if such fairness no longer occurs naturally, some may wish to see it legislated.

Moral, non-negotiable presuppositions of social life are not handled well by the market. Certainly boycotts worked to somewhat improve the situation of African Americans in the 1960s, but genuine elimination of segregation occurred through the Civil Rights Act. Similarly, we could not have eliminated child labor by letting the market decide. Morally based legislation puts all players at the same starting gate. It is becoming clear that many in the public believe that decent accommodations for farm animals is not something to be left to consumer choice, but a presupposition of commerce in animals and animal products. To say that those who want humane conditions for farm animals may pay for it is to ignore the point that such conditions are owed to all farm animals, not only those purchased by the wealthy. We did not, as a culture, say to those who wanted an end to segregation, "well then buy only from non-segregationist businesses,"

since the whole societal substructure upon which doing any business at all rested was segregationist!

Letting the market decide would create an arbitrary gulf between animals receiving good welfare and those not, based on what people buy. The decision then would not be based on morally relevant differences between animals dictating the sort of treatment they deserve.

Precedent supports our claim. What few laws do protect farm animals, such as the humane slaughter laws or the livestock transport laws, do not pertain only to high-end animals or animal products, but are presuppositional to all food animal commerce. There is great moral absurdity in the claims that if you want animals killed humanely, buy from Acme; don't bother other companies! As social awareness of animal welfare issues has expanded, similar logic is being applied to housing and living situations, not just to slaughter and transport. As society has moved from seeing animals simply as property, no different from machinery, societal demands for higher moral status has accompanied this move. This is well-stated in the treaty of Lisbon, which went into effect for the European Union in December of 2009. It affirms that "since animals are sentient beings, [member states] shall pay full regard to the welfare requirements of animals [in all uses]."

I have little doubt that this extrapolates well to the U.S., particularly in the face of the rise of a massive movement in the field of animal law, mostly dedicated to augmenting animal protection. Ninety-plus law schools teach courses in animal law.

A diehard defender of the free market view might protest that if people are not willing to pay more for humane products, why legislate? The answer is twofold. First of all, some people do not wish to pay more for anything. Second, human psychology is strange. While I, for example, might succumb to the base part of my nature and buy a cheap shirt made by child slave labor while I am in a department store, I would support a law banning such products, based on the previously mentioned notion of moral presuppositions for business and industry. It is for these reasons that asking people what they would pay for a morally-produced product does not always indicate their degree of support for it!

If all this is indeed the case, agriculture would do well to heed those voices and regulate its own practices, as Smithfield has committed to doing, even if this requires creating legislative assurance. It is far better that those who understand what can be done to create policy, than for idealists ignorant of agricultural constraints to do so.

II

Why did I work successfully for 10 years to develop what became the 1985 laws for laboratory animals despite my professed dislike for over-regulation? And does my experience transfer to the farm animal issue?

My experience demonstrates that people who use animals will not do the right thing without legislation. In the mid 1970's, I found that veterinary schools were teaching surgery by using the same animal 9 to 30 times, with no attention to aftercare. This was done to save money. This was done even though the NIH Guide to the Care and Use

of Laboratory Animals, the “Bible” for animal researchers, expressly forbade such use, and anyone receiving federal money was contractually obligated to obey the Guide. This rule was not enforced, and NIH told me in the late 1970’s that “We are not in the enforcement business.” Obviously, multiple use of dogs in this way would have won no fans for the biomedical community, and could have led to a major scandal, analogous to the University of Pennsylvania head-injury videos disseminated by PETA.

A much more egregious example of not doing the right thing can be found in the case of analgesia for animals used in invasive procedures. Our proposed law mandated the use of analgesics for painful procedures. According to people in Congress, the research community claimed to be already using analgesics. I knew from anecdotal reports that they were never used. Congress told me the burden of proof was on me to prove that it was not in fact used. Fortunately, I had a friend at the Library of Congress who, in 1982, did a thorough literature search for papers on “analgesics for laboratory animals”, on the assumption that if they were in fact used, there would be a full literature on such use. The search turned up zero papers. When the search was broadened to “animal analgesia”, the results were two papers, one of which affirmed that there ought to be papers! That convinced Congress, and there are now thousand of papers, and a correlative increase in analgesic use.

My point is not just that the research community thoroughly missed the point, dictated by common decency, that if we are hurting animals for our benefit, we should at least control that pain. The deeper point is that the failure to use analgesics and to control pain *skewed the results obtained in research!* It is well-known, and was known then but ignored, that pain and distress are major stressors interfering with healing, surgery, onset of infection, and many other physiological and metabolic variables. In other words, *the research community failed to control pain even though it was in their self-interest to do so!* (I have explained, in my Science and Ethics, how this grew out of an ideology that affirmed that science has nothing to do with ethics in animal science, veterinary, biomedical, or biology departments and could not talk of mental states such as pain, an ideology that is still alive and well.)

Obviously, then, if scientists did not do the right thing out of self-interest, and were blocked from seeing the moral dimensions of what they were doing by ideology, it had to be done legislatively. The same holds of agriculture. Much of confinement agriculture already believes it is doing the right thing (Smithfield and Straus veal are notable exceptions.) They are after all, supplying cheap, plentiful, and safe food to a growing public. It is not in their self-interest to overhaul the systems – it will cost huge amounts of money and time. The entire public will never pay for niche market products by definition.

Scientific ideology dictates the separation of science and ethics. This is very clear in animal agriculture. Most people in the field see animal welfare as a matter of “sound science,” and miss the ethical dimension. The ethical dimension is of course found in the question of “what do we owe animals and to what extent.” In 1982, the Council for Agriculture Science and Technology (CAST) report ignored the ethical dimension and defined welfare as what is essential for productivity. Some animal scientists still hold on to this view – we owe animals nothing besides what keeps them productive. Whereas productivity was a good measure of welfare in husbandry agriculture where animal needs for space, pasture, etc were met, else productivity was lost, it is not a good measure when technology allows animals to be productive even when welfare is compromised.

The key point missed is that the ethical obligation component of welfare does not come from producers – it comes from consumers or the general public. And the public has clearly expressed its aversion to animals in high confinement; hence the move to abolish sow stalls. In the end, the only way the public can see that its will can be transferred to industry operations is through mandated legislation, for all the reasons given above. If the industry wishes to avoid legislation written by people with only a vague knowledge of agriculture, it needs to voluntarily and quickly commit to shouldering the burden of changing modern systems to benefit the animals.

Should euthanasia and pain management be mandatory? A veterinary viewpoint.

Gail Golab
American Veterinary Medical Association

The AVMA believes animal pain and suffering are clinically important conditions adversely affecting quality of life, and encourages veterinarians to make every attempt to prevent and alleviate pain in animals. Because animals vary considerably in their response to stimuli, preventive and therapeutic strategies for managing pain must be tailored to individuals. Pain management protocols must be flexible and allow professional judgment in their application.

Considerations in managing pain include species, type/breed, age, procedure performed, extent of tissue trauma, behaviors, degree of pain, health status, and availability of techniques and pharmaceuticals. Pharmacologic and nonpharmacologic approaches should be considered. Pharmacologic approaches include appropriate selection and use of sedatives/tranquilizers, anesthetics, and analgesics. Consideration should be given to multimodal approaches, as these may improve analgesia, allow reductions in dose of drugs, and minimize adverse effects. Nonpharmacologic approaches include nutritional support, good husbandry practices, and positive owner interactions.

It may not be possible (or desirable) to completely avoid or eliminate pain in animals. In such cases, veterinarians should pursue strategies that improve an animal's ability to cope with pain, allow the animal to engage in as many normal activities as possible (e.g., eating, sleeping, ambulating, socializing with conspecifics and/or people), and avoid suffering. When suffering cannot be avoided and resolution of the condition leading to suffering is unlikely, euthanasia should be considered. Delaying euthanasia, when euthanasia is the appropriate choice, is unacceptable in terms of risks to animal well-being and human ethical responsibilities.

Euthanasia is the act of inducing humane death. Veterinarians have a responsibility to ensure that if an animal's life is taken, it is done with the greatest degree of respect and with an emphasis on making its death as pain- and distress-free as possible. Euthanasia techniques should result in rapid loss of consciousness, followed by cardiac or respiratory arrest and the ultimate loss of brain function.

Costs of animal welfare legislation/regulations

F. Bailey Norwood
Oklahoma State University

Introduction

I am an economist who researches the farm animal welfare debate. The vast majority of my work is in partnership with my colleague Jayson Lusk. The bulk of this research is aimed at the consumer side: (a) What are consumer perceptions about farm types and animal welfare? (b) How much money are they willing to pay for animal welfare improvements? and (c) How is this demand parsed between the private and public good aspects of animal welfare. My interest lies in all facets of the debate. In a forthcoming book (coauthored with Jayson Lusk), titled *Compassion by the Pound: The Economics of Farm Animal Welfare*, we explore the historical relationship between man and livestock, the history of modern livestock production and animal activism, we are bold (or arrogant) enough to interpret for ourselves what science asserts about the relationship between farm type and animal happiness (and yes, we are bold or naïve enough to say 'animal happiness'), ethical philosophy, and of course, a lot of economics. The economic component focuses on original consumer experiments we conducted in three cities with about three hundred subjects, with some input from a nationwide telephone survey.

This presentation will concentrate on the *results* of my research, with little detail on the methods used. I am allotted a very short period, so I feel it is best to describe what we have found and ignore *how* the results were discovered. Were I to also discuss the scientific methods used, it would create great confusion and the audience will extract little information.

All of the results I present are based on scientific studies. Whether it be a telephone survey of Americans or the economic experiments we conducted, the corresponding scientific papers are readily available at my website¹ so that interested readers can study the survey / experimental methods as well as the economic models used to interpret the survey / experiments.

This presentation will consider farm animal welfare as a commodity to be purchased and considered as an ethical issue. The question of whether animal welfare should be driven by markets or legislation depends critically on whether farm animal welfare is viewed as a commodity or an ethical issue. Because it is impossible to say whether animal welfare is *best* deemed a commodity or ethical issue, we must explore the farm animal welfare debate in both contexts. However, many readers may agree that the farm animal welfare debate is being debated as an ethical issue; therefore these readers may believe consumers' views of farm animal welfare when thought of as an ethical issue has greater weight than when considered a commodity.

It is a maintained assumption, as well as my belief, that laying hens and hogs can be raised in a farm setting that improves their well-being, but at a higher cost. It is also a maintained assumption that legislation should reflect the views of a majority of citizens, and not what I think is ethical or unethical.

Animal Welfare as a Commodity and as Morality

One can conceptualize improvements in the treatment of livestock as a "commodity" that delivers personal benefits to the citizen. When viewed as a commodity, improvements in livestock well-being can be explored using a cost-benefit framework, where the individual asks, "*How much do I benefit from a "happier" animal, and do I benefit more than the cost?*" One may

¹<http://asp.okstate.edu/baileynorwood/Survey4/Default.aspx>. Note the website may still refer to my forthcoming book under its old title, *Ham and Eggonomics*. And yes, *Ham and Eggonomics* is a better title!

also ask, “Does society as a collection of individuals benefit from a happier animal more than the costs to society?” In a cost-benefit framework, my research allows us to provide direct answers to questions of whether we should raise hens and hogs in an environment more conducive to their well-being, as well as whether these changes should be driven by markets or legislation.

Most people probably view animal welfare questions as questions of morality, and this makes the topic enormously complicated. Morality is a tortuous topic, as we know very little about how individuals and society determine what they believe to be moral or immoral. In fact, when pressured, not even the individual can determine for themselves why an act is thought to be moral or immoral – how is a scientist to study social morality in a scientific manner when the scientist does not even comprehend their own views of morality? The scientist cannot, and when animal welfare is viewed as an ethical issue, neither I nor anyone else can provide direct and unambiguous answers to whether we should improve the lives of livestock and how. I can, however, provide glimpses of ethical truths, and thus do so with the best of my ability and a profound sense of humility.

Animal Welfare as a Commodity: Private and Public Goods

First, let us conceptualize animal welfare as a good or commodity. Most every good has a *private good* dimension and a *public good* dimension. A private good is a good that is solely consumed by an individual, where the individual's consumption has little impact on others. If I purchase an iPod you cannot use that same iPod simultaneously and you must buy your own. Moreover, my use of the iPod has little impact on you, except for cases where I may drive recklessly by fiddling for a new song and cause a wreck.

Public goods are goods that can be consumed by many people at one time, such as a fireworks display or military protection against Canadian aggression. Public goods also occur when one person's consumption of a good impacts others. Many of you may have seen the recent documentary *Gasland*, describing how extraction of natural gas *may* pollute ground and surface waters. If a pond in which I regularly fish and swim can now be set afire as a result of natural gas extraction, your consumption of natural gas impacts *me* – thus the term *public good*.

Animal welfare has private and public good components – all goods do, but animal welfare has an unusually large mixture of both components. Consider a group of people who are concerned about the misery or merriment of livestock raised for food. I may pay particular attention to the food that I eat and its corresponding impact on hog happiness. Not wanting to be held responsible for animal misery, I choose products with higher welfare or adopt a vegan diet. Paying a higher price for better animal treatment because I do not wish to be held responsible for animal misery is like a private good purchase – the good is better animal treatment.

However, if I am concerned about animal misery, it may matter little whether the animal was raised for *my* consumption or *your* consumption. If an animal lives on a hard concrete slab, unable to even turn-around, and that bothers me, should I even care who ate the food that resulted from animal misery? When individuals donate to animal advocacy groups or vote for policies they believe prevent animal cruelty, that is like a public good purchase – again, the good is better animal treatment.

I argue that, conceptually, animal welfare is largely a public good. Hence the numerous referenda attempting to regulate livestock production – the citizen wishes to improve animal happiness regardless of who eats the food produced from the animal. We should therefore not be surprised that many citizens prefer regulation over markets in addressing the welfare of livestock. That being said, when you observe consumer behavior, you find that the private good component of animal welfare overwhelms the public good component.

Private Good Demand

Let us ask: what would happen if all consumers were *informed* about the different types of egg and pork production systems available, and were allowed to purchase egg and pork products from these different systems? The only difference between the food products is the level of animal welfare. Suppose also that the price premium attached to products with higher standards of animal care exactly equals the estimated cost premiums. What would happen?

We carried out this experiment with three hundred consumers from three U.S. cities, where the subjects used their own, real money in an auction to purchase egg and pork products from different farm types.² These egg and pork products differed only by the level of animal welfare provided, and the subjects attended presentations regarding the conditions in which the animals were raised.³ These are products that the consumer and their family would personally consume, and thus largely concerns the private good aspect of farm animal welfare.

The results argue that most consumers believe hens in a cage-free system (with some outdoor access) to be 'happy', while hens in a cage system 'suffer'.⁴ The majority of consumers were also willing to pay the extra money needed to purchase cage-free eggs.⁵ Similar results were found for hogs. Hogs in a shelter-pasture system are thought to be 'happy' while their counterparts in a confinement-crate system 'suffer.' As with hens, consumers were willing to pay the additional price necessary to cover the cost of the better animal treatment.

In summary: informed consumers want the hens and hogs who produce their food to be raised in conditions better than the conventional farm type, and are willing to compensate the farmer for their extra cost.

Does this tell us how uninformed consumers would behave? No. If the products in said experiments were offered in a grocery store to regular, *uninformed* consumers, it may be the case that very few people purchase products with better animal care. Does this tell us how informed consumers would behave outside of an experimental setting and inside a grocery store? No. People behave differently as their setting differs. In the grocery store they behave more like consumers, whereas in experiments and voting booths they behave more like citizens. These experiments provide some, but not all the answers.

Public Good Demand

Similar experiments were carried out where consumers could pay money to ensure hens and hogs that provided food for *other people* lived a better life. For example, one auction allowed people to bid money. The person winning the auction would then be given the opportunity to pay money ensuring 100 sows and their offspring lived on a shelter-pasture system instead of a confinement-crate system. This was one of a series of public good auctions. They were all *real* auctions, using real changes in the raising of actual animals, and real money.

²Two scientific papers regarding these experiments are available at <http://asp.okstate.edu/baileynorwood/Survey4/Default.aspx?name=Research>.

³The presentations given to the subjects and the experimental instruments can be viewed at <http://asp.okstate.edu/baileynorwood/Survey4/Default.aspx?name=surveys>.

⁴As determined by a series of Likert scale questions, after the subjects viewed presentations informing them about livestock production.

⁵As determined by auctions of various food products where subjects bid for the products using their own, real money. The costs of raising hens in a cage-free versus cage systems, as well as the corresponding costs for improving hog well-being, were determined by us through a number of sources. These sources are described in detail at the website in footnotes 2 and 3.

Using a model and a series of assumptions, we estimated that consumers as a group were indeed willing to pay the cost to ensure eggs and pork that other people eat are raised in an environment more conducive to animal welfare. At first, this would suggest that to the extent these consumers represent the U.S. population, U.S. citizens desire for all hens to be raised in a cage-free system and all hogs raised in a shelter-pasture system, not even counting the private good demand for better animal care. There is a caveat though: the average willingness-to-pay for the group was largely determined by the extreme values of a few people.

This requires elaboration. If a referendum were held that required all hens in a cage system to be instead raised on a cage-free system (with some outdoor access), and all consumers paid an identical tax necessary to compensate farmers for the additional cost, less than five percent of citizens would approve the measure. Again, this assumes all citizens were informed about egg and hog production.

However, suppose that each citizen sent the government a check, whose amount equaled the maximum amount of money they would pay to transition all hens in a cage system to a cage-free system (with some outdoor access). Then, the government compared this sum of money with the amount of money needed to cover the cost of this transition. In this thought experiment, the amount of money collected would more than offset the costs.

The difference between this thought experiment and the voting experiment is that when people vote, all votes count equally. But when people can express their desire for improved animal welfare in the form of money, a few people are willing to depart with a large – very large – amount of money to cover the cost of improving the care of hens and hogs.

A metaphor for this difference is found in internet coverage of the farm animal welfare issue. If one *Google's* farm animal welfare topics one will encounter an enormous volume of interest. However, the typical American knows very little about the issue, and does very little in their lives to improve the well-being of farm animals. The few Americans who care about animal welfare express their concern in many, many webpages, making it appear as if farm animal welfare was of great concern to Americans. The average American will read almost no webpages about the issue. Internet coverage provides a skewed view of the *actual* American, who knows and cares much less than the individuals who create the webpages.

We can now attempt an answer to the question: how large is the public good value of farm animal welfare, for informed consumers? The collective value is large, larger than the cost. The per-person value relative to the per-person cost, however, is low.

Private Versus Public Goods

While farm animal welfare is conceptually a public good, this is not how consumers in economic experiments think. For most individuals, farm animal welfare is a good that concerns the food *that person eats*. The value the average American places on improving the state of care for animals that provide food for other people is low.

This, taken alone, suggests that markets are a preferred mechanism to regulation for improving animal care.

Animal Welfare as an Ethical Issue

An individual's assessment of whether an activity is ethical or unethical is partly guided by information and reason, but is largely guided by intuition. The mind can readily make ethical assessments, but the conscious portion of the mind is not allowed access to the process that provides this intuition. Thus, we can measure what people deem to be ethical and unethical, but not the thought process that causes these decisions.

It is self-evident that democratic nations largely seek to enact laws that reflect the ethics of the people. All through school we are taught that when our ethics differ from established laws, it is the person's patriotic duty to change those laws. Moreover, when our sense of morality differs from society, we seek to impose our morality on others through changes in social norms. Who doesn't litter today without first making sure other people are not watching? This is why we attempted prohibition of alcohol decades ago, why we seek to support or oppose our beliefs about gay marriage on bumper stickers, why we fire tenured professors who make a politically incorrect statements, and why we vote. It should not be surprising that people who believe we treat livestock unfairly seek to regulate livestock farms and conduct public relations campaigns to convince others they are correct.

The farm animal welfare debate concerns much more than which food types should be available at the grocery store. It concerns who we are – as a people, and as a nation. Consequently, when we ask people about their ethical beliefs, and compare their statements to their behavior in economic experimental auctions, we see that one person has many different faces.

Snapshots of Ethical Beliefs

Through questions posed to subjects in our experiments, and through questions asked of a different sample in telephone surveys,⁶ I will now provide a brief list of people's ethical views on livestock production.

1. Consumers oppose placing animals in small, barren cages. Battery cages, gestation crates, and gestation pens are *unethical* according to most U.S. citizens. Educating consumers, by providing objective information, only makes them oppose these cages more.
2. Compared to food safety and the environment, farm animal welfare is of little relative concern as a social issue.
3. One-third of Americans believe that animals have a soul.
4. Sixty-four percent of Americans believe that God wants humans to be good stewards of animals, and placing animals in small cages does not constitute good stewardship.
5. One-third of Americans simply do not care about animal misery or merriment.
6. When people learn about how we raise hens and pigs, they find we are treating animals in a more unethical manner than they originally thought.
7. A slight majority of people desire to ban livestock practices they believe unethical, even if products from animals raised in an ethical manner are available to them.
8. A majority of people will and have voted in referendums when the referendum reads as if it is for the benefit of animals.
9. Most Americans do not want livestock to suffer, but care very little about making animals happy.

⁶Note that people in the experiments were provided information on how livestock are and can be raised, while those in telephone surveys are not given this information. The former thus represents informed consumers, and the latter represents uninformed consumers. Scientific articles on the telephone survey can be found at <http://asp.okstate.edu/baileynorwood/Survey4/Default.aspx?name=Research>

Logical Reasoning and the Repugnant Conclusion

In my forthcoming book, *Compassion by the Pound*, I devote an entire chapter to building an *Ethical Eating Tool*⁷ that can be used for making ethical judgments about the relationship between the food one eats and the corresponding impact on animal welfare. The objective of this tool is to provide readers with a logical apparatus for making personal food decisions. The model requires the user to state their perceptions about animal misery or merriment in different farm systems, calculates how changes in diet affect the number of animals raised in particular farm systems (using data on livestock production and supply and demand characteristics of food markets), and employs a series of mathematical formulas to connect the relationship between a person's diet and the state of animal well-being. Although it employs sound reasoning, the results of the model can seem repugnant, thus questioning the extent to which we can use science in conjunction with logic to make ethical judgments about different farm types and diets. Consider four examples of conclusions that may seem repugnant to some readers:

1. Who is more immoral: (1) Someone whose diet causes the existence of animals that live in misery, or (2) someone whose diet prohibits the existence of animals who would live an overall pleasant life? The *Ethical Eating Tool* argues that this answer depends on the number of animals in misery or merriment, and the intensity of that misery or merriment. Some people may believe, however, that this comparison does not "feel" right – it is not consistent with their ethical intuitions. Many vegans have no problem with a world where livestock are extinct, which may sound strange for someone who supposedly cares for farm animals.
2. If someone believes that hens are happier in a cage-free system, but also believes hens suffer in cage and cage-free systems, that person *may* still prefer to eat eggs from a cage system. The logic is that although hens suffer more in a cage system, their increased productivity implies that it takes fewer hens to produce one egg. This person may prefer a few hens to suffer greatly than many hens who suffer, but suffer less. That may seem repugnant to the person, though it follows from hard logic.
3. Suppose one believes that beef cows live a much better life than dairy cows, broilers, hogs, or hens. Suppose one also believes that broilers experience more positive than negative emotions, but are not nearly as happy as beef cows. The ethical eating tool may suggest that a person best promotes animal happiness not by eating beef, but by eating broilers. The logic is that eating one hundred pounds of chicken corresponds to many broilers who eke out barely happy lives, whereas one hundred pounds of beef corresponds to less than one beef cow who lives a happy life. Logic may dictate that it is better for many animals to eke out a barely happy life than one animal to live a happy life: is 1×100 not larger than 75×0.2 ? It follows from logic, but some may feel that a repugnant conclusion.
4. If we decide to discourage livestock production because the animals are unhappy, and if we decide animals in the wild also live miserable lives, should we not also bomb natural habitats to oblivion? How repugnant, though logical, does this conclusion seem?

Conclusions

When improvements in animal welfare are viewed as a commodity, informed citizens want farmers to improve the lives of laying hens and hogs who produce animals they eat. Moreover, they are willing to pay the higher cost of production that corresponds with happier animals.

⁷A web version of this tool is under construction, and will be made available at <http://asp.okstate.edu/baileynorwood/Survey4/Default.aspx?name=eatingguide>.

When animal welfare is viewed as a commodity, markets are the preferred mechanism for delivering welfare improvements, as the average person cares very little to influence the food decisions of others.

When animal welfare is thought of as an ethical issue, most all consumers disapprove of conventional egg and pork production methods. They want it banned, and replaced with better systems.

Most Americans approve of raising livestock for food, but do not wish the animals to suffer.

The vast majority of Americans only want livestock to not suffer. They care very little that the animals are "happy." I argue that animal welfare is largely an ethical issue, not an issue of what foods are available in the grocery store. Hence the intense battle for public support between animal advocacy groups and livestock groups, and hence the little interest in animal-friendly products in the grocery store.

One can attempt to make food-purchasing decisions based on hard logic, but the conclusions of that logic often interfere with our intuitive sense of what is ethical and unethical.

People disagree on the extent to which ethical decisions are derived from logic or intuition, but the evidence suggests the latter.

Thus, animal welfare is *supposed* to be an intense, often illogical, public battle. Animal welfare is supposed to be debated in referendums, political lobbying, and appeals to public support.

It is impossible to discern whether markets or regulation are the *preferred* mechanism for addressing animal welfare. Moreover, wherever intellectuals fall on the market / regulation spectrum is irrelevant. No matter what we think, animal welfare will be debated as an ethical issue. Look for it in the ballot box, public relations battles, and lobbying. Many times, the debate will not make logical sense, but what public issue does? The animal welfare debate will be held in grocery stores, but not with the intensity it will be held in the public arena.

APPENDIX A

Program and Speaker Contact Information

THEME: Bioethics: Should We Legislate Farm Animal Welfare?

MODERATOR: Halina Zeleski
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Time

9:30 - 9:45

Introduction

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T#: 614.292.0974
F#: 614.292.4142
Email: candace.cronney@cvm.osu.edu

9:45 - 10:15

Should We Legislate Farm Animal Welfare?

Janice Swanson
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10:15 - 10:45

Impact of Slaughter Bans on Horse Welfare

David Gies, Executive Director
Animal Assistance Foundation
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10:45 - 11:00

Break

11:00 - 12:00

Panel: Should Euthanasia and Pain Management be Mandatory?

Bernard Rollin
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Costs of animal welfare legislation/regulations

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APPENDIX B

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APPENDIX C

Power Point Presentations

Introduction Candace Croney	27
Should we legislate farm animal welfare? Janice Swanson	31
Impact of slaughter bans on horse welfare David Gies	35
Should euthanasia and pain management be mandatory? A veterinary viewpoint. Gail Golab	40
Costs of animal welfare legislation/regulations Bailey Norwood	43

Introduction

Candace Croney
Ohio State University

Symposium Introduction:
Should animal welfare be law or market driven?
C. C. Croney
The Ohio State University
College of Veterinary Medicine



Why are we discussing the issue of
law vs. market reform?

- Escalating concerns about US farm animal production methods
- EU (and other developed nations') farm animal protection policies nations
 - highly contentious discussions about the need for similar legislative activity in the US
 - unprecedented increase in food animal protection policies and welfare legislation

US Animal welfare legislation

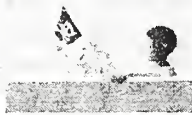
- 2002: FL bans gestation crates for sows
- 2005: AZ bans crates for veal calves & gestating sows
- 2007: OR bans gestation crates for sows (via state legislature)
- 2007: AVA votes to group house calves by 2017
- 2008: CO bans gestation crates & veal calf crates (compromise bill)
- 2008: CA Prop 2; "animals must be able to turn around and fully stretch their limbs/wings"
- 2009: ME bans gestation crates and veal calf crates
- 2009: MI Prop 2-like wording (compromise bill)
- 2009: OH Issue 2; Livestock Care Standards Board
- 2010: CA bans tail docking
- 2010: OH compromise bill



HOW DID IT COME TO THIS?

Perfect storm

- Diverse, urban society
- Changing relationships with animals & anthropomorphism
- Scientific disengagement & failure to address ethical issues
- New information on animal behavior
- Increased animal activism & relative lack of protection for farm animals
- Animal abuse scandals



WHAT ARE THE CONCERNS AND WHAT ARE THEIR BASES?



Animal welfare and social concerns

- Animal welfare concerns are about animal "quality of life"
 - i.e., the belief that humans have a moral responsibility to maintain an acceptable standard for the care and welfare of all animals
- Although welfare is not a "top of mind issue", it easily becomes a focal issue when attention is drawn
 - Consumers use animal welfare to indicate other attributes, e.g., safety & health (Harper & Makatouni, 2002)

Animal welfare and social concerns

- Frequently, concerns revolve around issues of animal pain and suffering & ethical obligations to animals
 - 2004 survey of Ohioans: 75% of respondents agreed or strongly agreed that "farm animals should be protected from feeling physical pain"
 - 40% believed ethical and moral considerations should be primarily used to determine how to treat farm animals (Lusk et al., 2007)

Understanding animal welfare concerns

- Additionally, concerns relate to the capacity for animals to function well, and opportunities to exhibit normal behaviors (Fraser et al, 1997).
 - These concerns are expressed by the Five Freedoms (Webster, 2001)
 - Hallmark of many animal welfare initiatives

ISSUES WITH WHICH THE US ANIMAL INDUSTRIES ARE STRUGGLING

Scientific validity vs. social acceptability



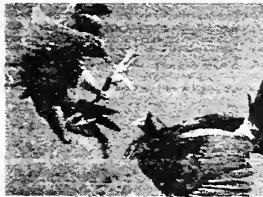
Scientifically validated (based on production standards)

Socially acceptable?

How do we reconcile conflicting values & priorities?

- Tradeoffs of different practices & systems
 - Freedom of movement vs. potential safety & health risks
 - Animal comfort vs. costs assoc. w. change?
 - Autonomy vs. regulation/oversight?
 - Privacy vs. transparency?
 - Choice vs. dictate?
- Which priorities reflect those of society?

EVALUATING LAW VS. MARKET DRIVEN APPROACHES TO ADDRESSING ANIMAL WELFARE



Factors to consider relative to regulation or market-driven change

- Impacts of decisions on producers, animals, concerned citizens, the environment & food prices must be considered.
 - Balancing the interests & values of all stakeholders is a considerable challenge.
- *Sustainability, practicality and documented welfare benefits of new policies & practices must be ensured*

Legislative reform



- Benefits
 - Permits encoding into law of limited set of socially agreed upon rules (social consensus ethics)
- Pitfalls
 - Do voting trends truly reflect broad social consensus (ethics)?
 - Unwieldiness of law
 - Unforeseen consequences
 - Equine welfare & inter-state commerce issues

Market-driven reform

- Benefits
 - Maintains choices
 - Consumers can "vote with their pocketbooks"
- Pitfalls
 - Is meaningful self-regulation possible?
 - Can the market place truly drive reform if people act as consumers in the marketplace but as citizens in the voting booth? (Appleby, 2005)
 - Values not reflected by purchasing decisions

Moving forward on US animal welfare reform

- Rollin: "there is perhaps no set of social issues on which otherwise sane people on either side of the question allow themselves to be as overwhelmingly irrational as in matters pertaining to the treatment of animals, and our moral obligations to them." (As quoted by Nobis, 2003)
 - Evident in highly polarized, simplistic representations of current debates

Moving forward on US animal welfare reform

- Although current trend is toward legislation, cannot abdicate responsibility to ensure scientific engagement
 - Politics cannot be allowed to compromise science and ultimately, animal welfare
- However, science alone cannot drive decisions
 - Socio-ethical considerations are imperative
- Reasoned, tempered discussions required

Should we legislate farm animal welfare?

Janice Swanson
Michigan State University

SHOULD WE LEGISLATE FARM ANIMAL WELFARE?

Janice C. Swanson, PhD
Michigan State University



NO

Questions?

Drivers of Legislated Change

- Persistent long term issues
 - Conditions that limit or hamper animal movement
- Changes in social environment and culture
 - Public access to information
 - Change in public attitudes / status of animals
- Morphing of tactics / culture of dissenting groups
 - Issue fatigue promotes new strategies



Drivers of Change

- Lack of response from target community
 - Change either slow or not at all
 - Irreconcilable differences of opinion or statements of fact relative to the issues
- Issue connected to issues of high public importance
 - Food safety
 - Environment

Decision to Legislate

- What is the collective harm caused by the practice?
 - Is there social/moral endangerment ?



Will a regulation solve the problem?

- Depends
 - how the regulation / enforcement structure is developed
 - Responsive better than simple deterrence
 - If produces effect of internal and institutional recognition/acceptance of change in behavior

Can a voluntary approach accomplish the change?

- Industry must demonstrate
 - transparent commitment to change and self enforcement
 - changing business behavior from within by internalizing and institutionalizing best practice
- Market forces must cooperate in supporting change
- Must develop and maintain a public accountability mechanism that is trustworthy
- Shorter transaction time for change and more flexibility to tweak
- Disadvantage of no hard public mandate to change



When we should legislate..

- Control situations that pose a threat to animal / human safety and welfare
 - Unable to control through voluntary action
- Even the playing field for the affected parties
 - Everyone expected to comply
 - Eliminate patch-work approaches
 - Compensate for mandates
- Provide Public accountability and assurance
 - Government oversight
 - Regain public trust to protect animal agriculture
- Provide legal teeth to comply



Disadvantages to Legislating

- Political transaction time often long
- Relatively inflexible to change once legislation is enacted
 - Animal care is not a fixed variable
- Public burden
 - support the regulation and its enforcement
 - Effect of unfunded mandate
 - Political authority must respect and support the mandate
- Should be the mechanism of last resort

Does Legislation Secure Good Farm Animal Welfare?

- AVMA Policy Statement (2010)
 - Support "appropriately constituted expert bodies" to establish public policy..."
 - "...standard-setting bodies, and related public policy, should be established through regular legislative and regulatory processes,"
 - "...ballot initiatives can precipitate a polarizing public debate based on incomplete information.."
 - "Varying constituencies and viewpoints also deserve representation on standard-setting bodies, because they facilitate and can help ensure complete discourse."

http://www.avma.org/issues/policy/establishing_public_policy_avm.asp

TREATMENT OF FARM ANIMALS. STATUTE.

"Requires that an enclosure or tether confining specified farm animals allow the animals for the majority of every day to fully extend their limbs or wings, lie down, stand up, and turn around. Specified animals include calves raised for veal, egg-laying hens, and pregnant pigs."

Does the Public Know Best?



Recent Legislation

California

- Ballot (non-negotiated)
- Performance outcome
 - Gestating sows
 - Veal calves
 - Egg laying hens
- Six year phase-in
- Criminal offense



Michigan

- Bill (negotiated change)
- Performance outcome
 - Veal calves
 - Gestating sows
- Minimum sq ft + Performance outcome
 - Egg laying hens
- 10 year phase-in
 - Except veal
- Civil offense



OHIO

- Passed a Constitutional change
 - Establish a Livestock Care Standards Board
 - 13 members: specifically appointed
 - Develop animal care standards
 - Ad hoc scientific advisory group
 - Pre-emptive ballot
- Threatened amendments by ballot
 - Ohioans for Humane Farming
- June 30th announcement of compromise

Australian Animal Welfare Strategy

- Series of initiatives to develop national animal welfare policies
 - Addresses animal welfare issues and needs using research, policy and education
 - Reviews national and state policy frameworks
- Target and eliminate inconsistencies in policy
- Revise Codes of Practice into national policy
- Focus on successful implementation processes
- Shift focus from consumer driven perception to concentrating on continuous improvement

<http://www.daff.gov.au/animal-plant-health/welfare/aaws>

Summary

- If legislation is necessary
 - Preference for using legislative body versus popular vote
 - Use correctly constituted bodies of experts
 - Stakeholder input is essential
 - Science should not be ignored
 - Expected outcome: a net improvement to animal welfare
 - Realistic implementation
 - Sustainable result



Impact of slaughter bans on horse welfare

David Gies
Animal Assistance Foundation

The Horse Slaughter Ban: What is the Impact on Horse Welfare?

David L. Gies,
Executive Director



Animal Assistance Foundation

Slaughter ban and its impact on horse welfare: What I am going to talk about

- Cultural war taking place in our country
- Historical Overview
- Legislative initiatives
- Colorado Data
- Specific impact on horse welfare we can identify now
- Possible near-term solutions

Animal Assistance Foundation



Most families now are two to
three generations removed
from rural life. Bud Pridgen,
President US Sportsman's Alliance

Animal Assistance Foundation

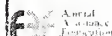
Few Americans are raised with a common animal experience

- Urban vs. rural life styles
- As a society we lack a single worldview, ours has become a view of disintegration.
- Competing values: pristine environment and all travel options available -- keep production out of sight -- the BP experience,
- We want animals in the center of our life and in the center of our dinner plate



American Icon -- The Horse

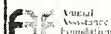
- The horse and it's special status
- Taming the West
- horse drawn buggy and plow to Henry Ford automobile and John Deere tractor
- Is the horse "livestock"?
- People's love of animals. 75 million owned dogs and 88 million owned cats in the US.
- The American pet industry estimated \$45.4 billion on pet products spent in 2009 alone.



Legislative History

When we review the legislative history different worldviews are evident.

- 2005: law prohibiting use of tax dollars to pay for USDA inspections of horsemeat (necessary in order to sell/export meat)
- 2006: USDA issues new regulation allowing slaughterhouses to fund their own USDA inspections
- 2007: Illinois passes legislation and Texas begins enforcing 1949 state law banning slaughter for human consumption
- In January and September 2007 respectively: US Court of Appeal declares Texas State law and Illinois State law, banning horse slaughter for human consumption, legal
- March 2007: US District Court rules slaughter plants paying USDA for their own inspections illegal -- inspectors pulled from plants effectively closing them down.



Legislative History

- At this time there is no federal law prohibiting horse slaughter for human consumption (only regulatory rulemaking).
- Also no federal law prohibiting export of horses for the purpose of slaughter for human consumption.
- Processing plants can open in any US state where there is no state legislation banning slaughter for human consumption. Some states are doing this (e.g. Wyoming).



Pending Bills

American Horse Slaughter Prevention Act now The Prevention of Equine Cruelty Act 2009 (HSUS)

- In 2006 this bill passed the US House but was not voted on in the US Senate before congress adjourned
- Seeking Federal law to prohibit horse slaughter for human consumption in the USA
- Would also prohibit export of horses for slaughter for human consumption
- Would require the absorption of 100,000 horses yearly (approximate number currently sent abroad to slaughter) by the US market -- Questions as to whether this number can realistically be absorbed each year



Pending Bills

Competing Bill - The Humane and Optimal Restoration and Sustainability of Equines (HORSE) Act (UOH)

- Allows for the reopening of slaughter plants in the USA with tighter regulations on the method/process of slaughter
- Introduces a "no kill" database where owners can register their horse: meaning that horses will not be slaughtered without the consent of the person who registered the horse.



Current welfare of Horses

- A very heated debate continues as to whether the welfare of horses has improved since the closure of the slaughter plants.
 - Rescues maintain horse welfare has improved or is not worse
 - Others believe horse welfare has diminished
- Very hard to measure



Current welfare of Horses

Post Closure Slaughtered Abroad:

- In 2009, 100,000 horses were transported to Mexico and Canada.
- Conflicting reports
 - Undercover video is regularly published showing inhumane slaughter methods.
 - Inspection of plants by Tom Lenz (AVMA) showed slaughter plants well run.
- Longer transportation to slaughter is necessary. Federal regulations exist but only apply to final leg of journey within the United States.



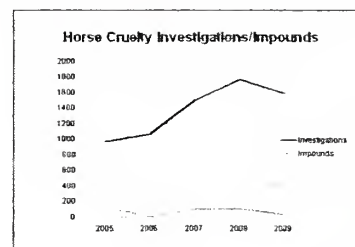
Improved Welfare?

- Horses are still slaughtered, only now they must travel long distances to reach abattoir and are slaughtered in plants unregulated by USDA.
- Some data showing there has been an increase of animal abuse and neglect post closure. There is also data which suggests these numbers remain unchanged.
- Anecdotal evidence and stories appear daily in the media about horses being released on public lands, horses being shot and left etc. This suggests that their welfare has deteriorated since the option to sell for slaughter has been removed.



Colorado Figures

Dept. of Agriculture Bureau of Animal Protection



Horse Rescues In Colorado

- Horse rescues traditionally see or "feel" effects of changes first
- AAF is beginning data collection to measure problem in CO
- No definitive evidence that number of impounds/cruelty investigations are rising.
- Anecdotal evidence that horses are being starved, neglected and abandoned.
- Capacity at rescues has increased since 2007 yet numbers of horses in rescues has declined
- Several high-profile impoundments at failed rescues who took in too many horses



In Colorado

- Colorado Unwanted Horse Alliance estimates that:
 - ~6000 horses became unwanted in CO in 2009.
 - ~1600 slots exist in horse rescues.
 - Rescues have ~60% turnover of horses each year.
 - Therefore space for 1000 horses each year.
- There is debate in CO about whether horse rescues are at maximum capacity or not
- If they are at capacity there is no way to continue absorbing all the horses that become unwanted each year



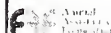
The Impact on Horse Welfare

- Heightened debate that slaughter is not euthanasia
- Real decline in horse prices – economic impact
- Emphasis on transportation compounding suffering
- Overgrazing on Native American and BLM lands
- Reports of increased abandonment and neglect
- Wild horse adoptions down 20%



The Impact on Horse Welfare

- Government Accountability Office (GAO) – The equine welfare study will investigate how horse processing plant closings:
 - Have influenced the number of horses sold, exported, adopted or abandoned;
 - Affect on farm income and trade;
 - The extent to which horses are slaughtered in the United States for any purpose;
 - The slaughter ban's impact on state and local governments and animal protection organizations;
 - How the USDA oversees the transport of horses for slaughter in Mexico and Canada;
 - How the Departments of Agriculture and Interior work with state governments to identify hold and transport unwanted horses for foreign transport



Possible solutions to the "horse welfare" problem

- Ban export of horses for slaughter
 - Instead horses will be exported for "breeding or pleasure" - USDA only regulates transportation of horses for slaughter
 - Requires United States market to absorb ~100,000 unwanted horses
 - As long as there are unwanted horses and demand for horse meat, horses will be slaughtered



Possible solutions to the "horse overpopulation" problem

- Open large scale horse sanctuary to deal with unwanted horses
 - Easiest public buy-in
 - Need to increase rescue capacity
 - Probably impossible to house all unwanted horses in rescues



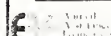
Possible solutions to the "horse overpopulation" problem

- Establish new equine center using model for adopting surplus dogs and cats
 - Acquire property suitable for taking in and housing horses no longer owned
 - Develop definitions categorizing adoption and disposition
 - Dispose of animal if not adopted or if a suitable home is not found



Possible solutions to the "horse overpopulation" problem

- Reopen slaughter plants
 - Transport and slaughter can be rigorously regulated
 - National "No Slaughter Registry"
 - Temple Grandin certified



Possible solutions to the "horse overpopulation" problem

- Make humane euthanasia (which is different to slaughter) and carcass disposal more accessible/affordable
 - CO Veterinarian study:
 - 69% of veterinarians not willing to euthanize for convenience
 - Some veterinarians feel they lack appropriate training on euthanasia
 - Different options for euthanasia and carcass disposal
 - Barbituate Overdose – biohazardous carcass, put in land fill (waste)
 - Captive bolt/Gunshot – requires training, carcass has more uses – medical research, animal feed.

Some solutions to the "horse overpopulation" problem

- Create Gelding Programs and Regulate breeding
 - Requires legislation to regulate
 - Would likely receive a lot of opposition

Conclusion

- Fierce debate – not clear what the outcome will be
- Most proponents of anti slaughter **are not** proponents of ban on all livestock slaughter for human consumption – horses in people's minds, are different
- GAO tasked with carrying out a study on the effects of the slaughter plant closures on horse welfare. Report due for publication in March 2010. Determined that issue was too complex for publication in March – now due end 2010

Conclusion

- In theory, the current state of horse welfare should not have changed because horses can still be sold for slaughter
- What has changed is where the horses are slaughtered (abroad vs. US), which has led to longer transportation
- If a ban on sale or transportation of horses to Mexico or Canada is successful, that is when the effects of removing the option to sell for slaughter on horse welfare will be revealed.

Thank you

Should euthanasia and pain management be mandatory? A veterinary viewpoint.

Gail Golab
American Veterinary Medical Association

Should Pain Management and Euthanasia Be Mandatory?



Gail C. Golab, PhD, DVM, MACVSc
Director, Animal Welfare Division

What is 'Mandatory'?

- Containing or constituting a command
- Obligatory

Merriam-Webster Online (<http://www.merriam-webster.com/dictionary/mandatory>)

Pain...Basic Tenets



- Pain = unpleasant sensory and emotional experience associated with actual or potential tissue damage.¹
- Pathophysiological and psychological components
- Can be difficult to recognize and interpret in animals
- Pain and suffering are clinically important conditions adversely affecting an animal's quality of life (short-term or long-term)
- Prevention and alleviation of animal pain and suffering (i.e., management) are important and tenable therapeutic goals



¹WSP Subcommittee on Taxonomy. Pain terms: a list of definitions and notes on usage. 1979;6:249

Pain...When to Manage



- When pain interferes with (or is anticipated to interfere with) an animal's normal activities, such as eating, sleeping, ambulating, grooming, and social interactions (co- and con-specific).
- Pain has different roles that must be taken into consideration in its management
 - Protective—can minimize tissue damage by changing behavior to avoid damage or prevent further damage; stress responses can be important for survival in untreated patients (but this is not an excuse for not treating pain in veterinary patients)
 - Destructive—associated with maladaptive physiological responses and behaviors (suffering)
 - No beneficial effects of unrelieved pain in animals under veterinary care



Pain...How to Manage

■ Pharmacologically

- Analgesics (e.g., opioids, NSAIDs)
- Anesthetics
- Sedatives and tranquilizers (lack analgesic properties, but can reduce anxiety and enhance efficacy of analgesics)
- Multimodal (enhances analgesia, may reduce dosage, reduce adverse effects)

■ Non-pharmacologically

- Good husbandry practices
- Treatment of concurrent injuries/illnesses
- Nutritional support
- Acupuncture, rehabilitation
- Social support

Pain...Issues Affecting Management

- Complete elimination of pain may not be achievable or desirable; **every attempt should be made to prevent/alleviate pain unless there are compelling reasons to withhold treatment**
- Species, breed and individual animal (age, sex, health status) variation in response to pain and treatment
- Acute versus chronic
- Drug availability
- Environmental variability (animal access and control)
- Animal use (e.g., food, research, companion)
- Economics (not an excuse, but a factor)
- Human safety (potential drug abuse)

Euthanasia...Basic Tenets

- 'Eu' = good; 'thanatos' = death
- 'Good death' = Death that occurs with minimal pain and distress
- Euthanasia = Act of inducing humane death in an animal
- Humane death = Rapid loss of consciousness, followed by cardiac or respiratory arrest and ultimate loss of brain function; minimize anxiety and distress experienced by animal prior to loss of consciousness
- Irreversibility/confirmation of death

AVMA Guidelines on Euthanasia, 2007 edition. Available at:
www.avma.org/issues/animal_welfare/euthanasia.pdf

Euthanasia...When to Perform


- Severe trauma, when treatment is not possible or is unlikely to result in return to acceptable function
- Unacceptable quality of life
- Untreatable, severe organ system dysfunction
- Terminal conditions
- Required by use (e.g., biomedical research, food production)
- Excess/unwanted populations
- Human safety (e.g., aggression, rabies diagnosis)
- **When animals are suffering, delaying euthanasia is unacceptable in regard to animal well being and human ethical responsibilities**

Euthanasia...Methods

- Methods that physically disrupt brain activity via concussion, direct destruction of the brain, electrical depolarization of neurons (e.g., gunshot, penetrating captive bolts, electrocution, blow to head, cervical dislocation, maceration)
- Agents that directly or indirectly induce hypoxia (e.g., carbon monoxide, carbon dioxide)
- Agents that directly depress the central nervous system (e.g., anesthetics, barbiturates)
- Combinations of the above


Euthanasia...Considerations in Application

- Species/breed/life stage
- Equipment and trained staff availability
- Environment (restraint, practicality)
- Human safety
- Aesthetics/public sensibilities
- Economics
- Disposition of remains (subsequent evaluation/diagnostics, use, disposal)




Making Them 'Mandatory'


- Ethical obligations suggest need for assurance
 - Animals
 - People
- Complexity of decisions regarding when and how requires application of professional judgment
- How do you provide reasonable assurance that the right thing is done, but allow necessary flexibility?




Options for 'Mandatory'



- Legislation/regulation
 - Generally requires minimum definitions and thresholds for guidance and enforcement—When flexibility is important to appropriate application, what are these?
 - Egregious situations may be addressed by anticruelty statutes—Is this sufficient?
 - Some precedence in adoption of AVMA Guidelines on Euthanasia by statute and in regulations; however, these offer guidance, allowing for professional judgment in choice




Options for 'Mandatory'



- Professional standards
 - Veterinarians
 - Training
 - Regulation via state regulatory boards
 - Recommendations from professional associations
 - Others
 - Codes of practice (voluntary)
 - Assurance processes (audits)

Standards of Practice




AVMA Policy

- Pain Management¹

Animal pain and suffering are clinically important conditions that adversely affect an animal's quality of life. Drugs, techniques, or husbandry methods used to prevent and control pain must be tailored to individual animals and should be based in part, on the species, breed, age, procedure performed, degree of tissue trauma, individual behavioral characteristics, degree of pain, and health status.
- Euthanasia²

It is our responsibility as veterinarians and human beings to ensure that if an animal's life is to be taken, it is done with the highest degree of respect, and with an emphasis on making the death as painless and distress free as possible.

¹ Pain Management www.avma.org/issues/policy/animal_welfare/pain.asp
² AVMA Guidelines on Euthanasia, 2007, www.avma.org/issues/animal_welfare/euthanasia.pdf



Thank You for Your Time and Attention

Questions?
Comments?

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www.avma.org/animalwelfare

Costs of animal welfare legislation/regulations

Bailey Norwood
Oklahoma State University

Should Animal Welfare be Law or Market Driven?

Bailey Norwood
Associate Professor

Jayson Lusk
Professor and Willard Sparks Endowed Chair of Agribusiness

Department of Agricultural Economics
Oklahoma State University

Background material on this presentation can be found at Norwood's website and in the forthcoming book: *Compassion by the Pound: The Economics of Farm Animal Welfare*

Norwood's website: <http://asp.okstate.edu/bailey/norwood/Survey4/Default.asp>
A narrative version of this presentation is available at <http://asp.okstate.edu/bailey/norwood/Survey4/Default.asp?name=Research>

3

Should Animal Welfare be Law or Market Driven?

This presentation will describe the *results* of numerous, original studies, the details of which can be found at my website (given on first page).

Let us conceptualize animal welfare improvements as
(1) A Commodity – What are the benefits to me or society, in dollars, and what are the costs?
(2) An Ethical Issue – Is conventional egg & pork production ethical, and is it more ethical to raise laying hens and hogs differently?

The difference matters, as any one individual behaves very different when animal welfare is presented as a commodity or as an ethical issue

4

Animal Welfare as a Commodity: *Private* good component of animal welfare

What if we had informed consumers who were presented with egg & pork products that differed only by the level of animal welfare provided. Suppose that the price differences between the products represented only the differences in production costs.

To the average American: Would you prefer to purchase cage-free or cage eggs? **Answer: cage-free eggs.**

To the average American: Would you prefer to purchase pork from hogs raised in a shelter-pasture system or pork raised from a confinement-crate system? **Answer: shelter-pasture pork.**

5

Animal Welfare as a Commodity: *Public* good component of animal welfare

An informed American who desires and has access to cage-free eggs *for their consumption* faces a referendum. All cage systems for are banned and replaced with cage-free systems. The additional cost of egg production would be paid in an equal amount by each taxpayer, and this amount is indicated in the referendum.

Would the average American vote for the referendum? No.

What about a similar referendum, replacing confinement-crate pork production with shelter-pasture pork? No.

6

Animal Welfare as a Commodity: Private or Public Good?

Americans strongly desire for the eggs & pork they eat to be raised in a more animal-friendly environment

Americans are not willing to pay much money to ensure eggs & pork other people eat are raised in a more animal-friendly environment

Hence, when animal welfare is viewed as a commodity, it is a *private* good, and it is in society's best interest for animal welfare to be addressed by markets

BUT

Animal Welfare as an Ethical Issue

When people are asked about farm animal welfare in an ethical context, they can act differently

About Our Ethical Beliefs

- (1) Ethics is largely intuitive, not logical
- (2) Ethics is more than what *I* should do. Ethics is largely about imposing our ethical views on others
- (3) This is why we outlaw discriminatory hiring, place bumper stickers on our cars asserting our views on gay marriage, and fire tenured professors for politically incorrect statements
- (4) We desire laws and social norms that reflect our personal ethics. We are taught that it is virtuous to introduce and influence legislation that allows us to impose our views on others.
- (5) Animal welfare is an ethical issue, and will thus affect laws – whether we believe it should or not

Animal Welfare as an Ethical Issue: What do Americans believe?

There is no universal model, only hints about ethical intuitions. Here are some

- (1) Most Americans dislike small cages. Battery cages and gestation crates, or even gestation pens, will never be ethical. Educating Americans make them oppose these cages more intensely
- (2) One-third of Americans believe animals have a soul.
- (3) Sixty-four percent believe God wants us to be good stewards of livestock, and small restrictive cages is not good stewardship
- (4) *But*, one-third of Americans simply do not care about animal feelings
- (5) A slight majority of Americans wish to ban cruel practices, even if they have access to animal-friendly food
- (6) Americans do not want livestock to suffer, but care very little about making the animal "happy."

Ethics, Logic, and Repugnant Conclusions

In *Compassion by the Pound*, I attempt to create a logical model relating what you eat to animal happiness. This ethical eating tool, however strong the logic may be, can lead us to repugnant conclusions

Examples

- (1) Who is more unethical
 - (a) Someone whose diet brings into existence animals that live in misery, or
 - (b) Someone whose diet prohibits the existence of animals that live in merriment?

Some people dislike this comparison, and have no problem with a world where livestock species are extinct.

Ethics, Logic, and Repugnant Conclusions

- (2) A person believes hens suffer in both cage and cage-free environments, but suffer less in cage-free

They may still prefer cage eggs, because they may prefer a few hens suffering a lot, to many hens suffering a little

Remember: it takes far less hens to produce one egg in a cage system.

Ethics, Logic, and Repugnant Conclusions

- (3) A person believes beef cows are really happy, but broilers are only slightly happy. Broilers are more happy than sad, but not by much.

Logic dictates the person may prefer to eat broilers, because mathematics *may* imply that there is more happiness from

- (a) many, many broilers whose happiness is a small positive number
- (b) than a few beef cows whose happiness numbers are large.

Remember: eating 100 pounds of chicken corresponds to many more animals than 100 pounds of beef.

Ethics, Logic, and Repugnant Conclusions

(4) If we decide to discourage livestock production because we believe the livestock suffer, and if we also believe animals in the wild suffer, should we not also bomb natural habitats to oblivion?

There are many reasons to think wild animals are miserable. Have you ever seen nature documentaries? Since we have the power to destroy natural habitats, the existence of wild animals is our choice.

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Conclusion: Should animal welfare be driven by markets or regulation? There is no answer. Both?

- (1) When thought of as a commodity, informed Americans think of animal welfare as a private good, adequately addressed by markets.
- (2) When thought of as an ethical issue, a majority of Americans believe conventional cage and pork production to be unethical and they wish to impose their views on others.
- (3) Animal welfare is an ethical issue, to be influenced profoundly by law – whether we like it or not.
- (4) There is no reason to expect the regulations addressing animal welfare to be [perfectly] logical. Instead, regulations will appeal to vague and mysterious intuitive (though sometimes logical) ethical beliefs.
- (5) We live in a quasi-capitalistic society where our desire for private goods are provided nicely through free markets.
- (6) We are humans, and we impose our ethical beliefs on others through the evolution of social norms and the writing of laws.¹⁴

Notes



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